

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

DARNELL WESLEY MOON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	2:11-cv-178-JMS-WGH
	)	
FEDERAL BUREAU OF PRISONS,	)	
et al.,	)	
	)	
Defendants.	)	

**Entry Dismissing Amended Complaint  
and Directing Further Proceedings**

**I. The Amended Complaint is Dismissed**

The *Federal Rules of Civil Procedure* and Rule 8(a)(2) in particular require that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief . . . ." The purpose of this requirement is to give the defendant fair notice of what the claim is and the grounds upon which it rests. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (citing *Conley v. Gibson*, 355 U.S. 41, 47 (1957)); *see also Wade v. Hopper*, 993 F.2d 1246, 1249 (7th Cir. 1993) (noting that the main purpose of Rule 8 is rooted in fair notice: a complaint must be presented with intelligibility sufficient for a court or opposing party to understand whether a valid claim is alleged and if so what it is.) (quotation omitted).

A District court should not have to read and decipher tomes disguised as pleadings. *See Lindell v. Houser*, 442 F.3d 1033, 1035 n.1 (7th Cir. 2006). Even with the recent dismissals of claims 4 and 5, however, that is precisely what Darnell Wesley Moon has presented. His 61-page handwritten amended complaint and 73 pages of attached exhibits presenting claims against 42 defendants defy understanding, rendering the amended complaint unintelligible and subject to dismissal on that basis. *Davis v. Ruby Foods, Inc.*, 269 F.3d 818, 820 (7th Cir. 2001) ("dismissal of a complaint on the ground that it is unintelligible is unexceptionable").

The amended complaint [32] is **dismissed** based on the violation of Rule 8.

## II. A Second Amended Complaint May Be Filed

The dismissal of the amended complaint will not in this instance result in the dismissal of the action. *Benjamin v. United States*, 833 F.2d 669, 671 (7th Cir. 1987). Instead, the plaintiff shall have **through December 22, 2011**, in which to **file a second amended complaint**. If a second amended complaint is filed, it shall conform to the following guidelines:

- ! The second amended complaint shall comply with the requirement of Rule 8(a)(2) of the *Federal Rules of Civil Procedure* that pleadings contain "a short and plain statement of the claim showing that the pleader is entitled to relief. . .";
- ! The second amended complaint shall comply with the requirement of Rule 10 that the allegations in a complaint be made in numbered paragraphs, each of which should recite, as far as practicable, only a single set of circumstances; and
- ! The second amended complaint must identify what legal injury he claims to have suffered and what persons are responsible for each such legal injury.
- ! The second amended complaint should not include case law or legal arguments.

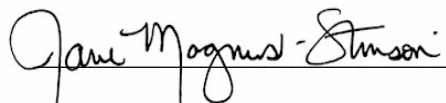
## III. Further Proceedings

If no second amended complaint is filed as permitted in Part II of this Entry, the action will be dismissed consistent with the dismissal of the amended complaint in Part I.

If a second amended complaint is filed as permitted in Part II of this Entry, that pleading will be screened as required by 28 U.S.C. ' 1915A(b) and an appropriate order will issue following the completion of that step.

**IT IS SO ORDERED.**

Date: 12/01/2011



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

DARNELL WESLEY MOON  
34077-044  
TERRE HAUTE U.S. PENITENTIARY  
Inmate Mail/Parcels  
P.O. BOX 33  
TERRE HAUTE, IN 47808